

## **BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE: BILLY JOE BRAGG, P.A.-C.**

### **CONSENT ORDER**

The West Virginia Board of Medicine ("Board") and Billy Joe Bragg, P.A.-C. ("Mr. Bragg"), pursuant to W.Va. Code § 30-3-1, et seq., freely and voluntarily enter into the following:

### **FINDINGS OF FACT**

1. In September, 1995, the Board issued Mr. Bragg License Number 554 to function as a physician assistant, in accordance with the provisions of the West Virginia Medical Practice Act.
2. From May 9, 2005, until December 8, 2008, Mr. Bragg had been supervised by David E. Hess, M.D.
3. On November 10, 2008, the Complaint Committee of the Board initiated a Complaint against Mr. Bragg, based upon a report submitted by Deputy Sheriff R.T. Ankrom regarding Deputy Ankrom's investigation into Mr. Bragg's use of prescription forms signed by his then supervising physician David E. Hess, M.D., and Mr. Bragg self-medicating with controlled substances.
4. Mr. Bragg filed a timely response to the complaint.

5. Further investigation ensued and the evidence revealed that Mr. Bragg would take Dr. Hess' pre-signed prescription pads and write numerous prescriptions for controlled substances.

6. Mr. Bragg currently has no supervising physician and possesses no job description approved by the Board.

7. In order to terminate the investigation and resolve this matter with the Board regarding the evidence obtained, Mr. Bragg has expressed the desire to enter into this Consent Order with the Board in lieu of proceeding to hearing on any charges the Board may file against him.

### **CONCLUSIONS OF LAW**

1. The West Virginia Board of Medicine has a mandate pursuant to W.Va. Code § 30-3-1 to protect the public interest.

2. Probable cause exists to file charges against Mr. Bragg pursuant to the provisions of W.Va. Code § 30-3-16, et seq., alleging misconduct in his practice as a physician assistant.

3. It is appropriate and in the public interest to waive the commencement of proceedings against Mr. Bragg and to proceed without the filing of charges or a formal Complaint and Notice of Hearing, provided Mr. Bragg agrees to the provisions of this Consent Order.

## CONSENT

Billy Joe Bragg, P.A.-C., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order, to the following:

1. Mr. Bragg acknowledges that he is fully aware that without his consent here given, no permanent legal action may be taken against him except after a public hearing held in accordance with W.Va. Code § 30-3-16 (i), and § 29A-5-1, et seq.

2. Mr. Bragg further acknowledges that he has the following rights, among others: the right to a formal public hearing before the Board, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross examine witnesses against him.

3. Mr. Bragg waives all rights to such a public hearing.

4. Mr. Bragg consents to the entry of this Order relative to his functioning and/or licensure as a physician assistant in the State of West Virginia.

5. Mr. Bragg understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

## ORDER


**WHEREFORE**, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Mr. Bragg, the West Virginia Board of Medicine hereby **ORDERS** as follows:


1. That the physician assistant license of Billy Joe Bragg, P.A.-C., No. 554, is **SURRENDERED** to the Board effective upon entry of this Consent Order, and Mr. Bragg requests the withdrawal of any and all pending applications before the Physician Assistant Committee of the Board.

2. Mr. Bragg will not apply to the Board for licensure in the future, and if he does, his application will be denied.

The foregoing Consent Order was entered this 29th day of June, 2009.

**WEST VIRGINIA BOARD OF MEDICINE**

  
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John A. Wade, Jr., M.D.  
President

  
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Catherine Slemp, M.D., M.P.H.  
Secretary

  
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Billy Joe Bragg, P.A.-C.

Date: 6/23/09

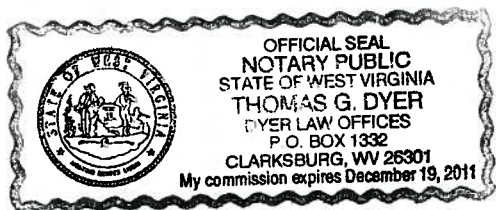
STATE OF West Virginia

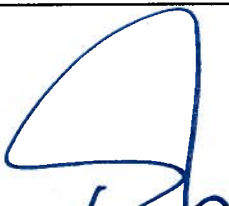
COUNTY OF HARRISON

I, Thomas Dyer, a Notary Public for said county and state  
do hereby certify that Billy Joe Bragg, P.A.-C., whose name is signed on the previous page has  
this day acknowledged the same before me.

Given under my hand this 23<sup>rd</sup> day of June, 2009.

My commission expires 12-19-11.



  
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Notary Public